

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

REPORT OF EXAMINATION
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

- ☐ Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)
- ☒ Ground Water (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE February 18, 2000	APPLICATION NUMBER G3-30197	PERMIT NUMBER	CERTIFICATE NUMBER
NAME Newport School District No. 56-415			
ADDRESS (STREET) PO Box 70	(CITY) Newport	(STATE) WA	(ZIP CODE) 99156-0070

PUBLIC WATERS TO BE APPROPRIATED

SOURCE Three (3) wells		
TRIBUTARY OF (IF SURFACE WATERS)		
MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE 100	MAXIMUM ACRE FEET PER YEAR 73
QUANTITY, TYPE OF USE, PERIOD OF USE 100 gallons per minute, 73 acre feet per year, from April 1 to October 31, each year, for the irrigation of 28 acres.		

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION-WITHDRAWAL #1) NE¼NW¼; #2) SW¼NE¼; #3) SE¼NW¼;					
LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) ALL WITHIN	SECTION 24	TOWNSHIP N. 31	RANGE, (E. OR W.) W.M. 45 E.	W.R.I.A. 62	COUNTY Pend Oreille

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)
-----	-------	------------------------------------

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

A tract of land in the NW¼ of Sec. 24, T. 31 N., R. 45 E.W.M., more particularly described as follows:

Beginning at the Southwest corner of the "Third Addition to McAvoy's Addition to the City of Newport, Washington", a platted and recorded subdivision of Pend Oreille County, Washington; thence S 89°49'07" E, 972.02 feet along the South property line of said Third Addition to its Southeast corner; thence continuing S 89°49'07" E, 254.65 feet to a point; thence S 0°16'32" West, 657.43 feet, more or less, to a point on the Northerly right of way of State Highway No. 200; thence Southwesterly along said right of way on a curve to the left (chord = S 75°57'36" W, 205.47 feet, radius = 1970', (Delta) Δ = 5°58'42"), a distance of 205.56 feet to a point on said right of way; thence S 83°56'57" W, 106.52 feet, more or less, to the Northeast corner of Block 11 of "Jayne's Addition to Newport, Washington", a platted and recorded subdivision of Pend Oreille County, Washington; thence N 89°45'28" W, 917.7 feet along the North lines of Blocks 11, 12 and 13 to the West line of said "Jayne's Addition", thence S 00°16'32" W, 237.36 feet; thence N 89°45'28" W, 992.65 feet, more or less, to a point on the West Section line of said Section 24; thence N 00°31'20" E, 489.29 feet, more or less, along said West Section line to a point which is S 00°31'20" W, 1580 feet from the Northwest corner of said Section 24; thence S 89°49'07" E, 460 feet; thence N 00°31'20" E, 479.36 feet; thence S 89°49'07" E, 524.55 feet to a ¾ inch iron pipe; thence S 00°33'16" W, 13.83 feet to the point of beginning.

EXCEPTING the South Half of Sixth Street extending from the East line extended Northerly of Lot 6 of Block 12 of Jayne's Addition" to the West line extended Northerly of Lot 3 of Block 13 of "Jayne's Addition".

RESERVING TO THE GRANTOR an easement being 30 feet in width along the North, East, South and West lines of said tract, with the exception of the South Half of Sixth Street above described, for utilities and all other underground installations.

SUBJECT TO: Rights of way for roads, utilities and EXCEPT a parcel known as Tax 13, more particularly described in Book A of Transcribed Deeds, Page 441, in Pend Oreille County, Washington.

A tract of land in the N½ of Sec. 24, T. 31 N., R. 45 E.W.M., more particularly described as follows:

Beginning at the Southwest corner of the "Third Addition to McAvoy's Addition to the City of Newport, Washington", a platted and recorded subdivision of Pend Oreille County, Washington; thence S 89°49'07" E, 972.02 feet along the South property line of said Third Addition to its Southeast corner; thence continuing S 89°49'07" E, 254.65 feet to a point; thence S 00°16'32", 657.43 feet, more or less, to a point on the northerly right of way of State Highway No. 200 (SR2) and the true point of beginning, said point being on a curve to the right, the radius of which bears S 11°14'53" E, a distance of 1970.00 feet; thence along said right of way and curve to the right, through a central angle of 14°18'18", an arc distance of 491.84 feet, to a point of tangency; thence S 86°56'35" E, along said right of way, 628.70 feet; thence S 03°03'25" W, along said right of way 133.65 feet; thence N 00°37'19" E, 295.41 feet, to the South right of way line of 5th Street; thence S 89°57'02" W, along said right of way, 1251.43 feet; thence S 00°16'32" W, 268.73 feet; to the true point of beginning.

Area = 7.223 ACS.

DESCRIPTION OF PROPOSED WORKS

Three (3) wells, pumps and pressure distribution system.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:

September 1, 2001

COMPLETE PROJECT BY THIS DATE:

September 1, 2002

WATER PUT TO FULL USE BY THIS DATE:

September 1, 2003

REPORT

BACKGROUND

An application to appropriate public ground water was submitted by Newport School District No. 56-415 to the Department of Ecology on July 14, 1999. On February 18, 2000, the application was amended from 50 gallons per minute to 100 gallons per minute. The application was accepted and assigned Ground Water Application No. G3-30197. The applicant proposes to withdraw ground water from three wells in the amount of 100 gallons per minute for the seasonal irrigation of 28 acres of lawn. Well No. 1 will be located within the NE1/4NW1/4 of Sec. 24, well No. 2 will be located within the SW1/4NE1/4 of Sec. 24, and Well No. 3 will be located within the SE1/4NW1/4 of Sec. 24, ALL WITHIN T. 31 N., R. 45 E.W.M. in Pend Oreille County, Washington. The place of use will be a tract of land in the N1/2 of Sec. 24 owned by the Newport School District No. 56-415, and more specifically described in the full legal description of the place of use in this report.

A notice of application was duly published in accordance with RCW 90.03.280; no protests or objections were received.

This application is exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW. A permit issued under this application would be a "Public Water Entity Permit" under the Family Farm Water Act of 1977, 90.66 RCW.

INVESTIGATION

James M. Lyerla conducted a field examination on October 22, 1999. The applicant intends to irrigate 28 acres of school grounds from these three proposed wells. Water is presently supplied by the City of Newport for potable use at the high school and irrigation of 28 acres of school grounds. The School District would like to drill one or all of these proposed wells in order to reduce their cost of water and take some of the load off of the City of Newport's well field.

The Newport School District operates two additional wells that supply ground water to the Middle School, which is adjacent to the high school. These two wells are authorized under Ground Water Permit No. G3-25971P. The City of Newport also owns and operates a well located in this same Section for irrigation of the fairgrounds. There has been no reported well interference in this area. A review of area well logs shows that ground water is found at a shallow depth in wells completed into the local sand and gravel aquifer. The static water level in area wells is typically 70 to 90 feet above the normal pool elevation of the Pend Oreille River with an assumed gradient towards the Pend Oreille River. One-hundred (100) gallons per minute production capacities are not uncommon in the unconsolidated aquifer.

Due to the near proximity to the Pend Oreille River these wells have been determined to be in hydraulic continuity with the Pend Oreille River and will be subject to the Pend Oreille River low flow as further defined in the provision section of this report.

CONCLUSIONS

It is the conclusion of this examiner that: public ground water is available for appropriation for a beneficial use; that irrigation of 28 acres is a beneficial use; that the appropriation of such water will not impair existing rights or be detrimental to the public welfare.

It is recommended that this application for a public ground water permit should be approved in the amount of 100 gallons per minute, 73 acre-feet per year (at 31.1 inches per acre), for the seasonal irrigation of 28 acres of turf grass from three proposed wells, subject to the following provisions:

"An approved measuring device shall be installed and maintained in accordance with RCW 90.03.360 and/or WAC 508-64-020 through WAC 508-64-040." (Installation, operation and maintenance requirements attached hereto)."

"The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required for the actual crop grown on the number of acres and the place of use specified."

The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by this Department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between applicant and owner of that land.

"This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise."

"A certificate of water right will not be issued until a final examination is made."

"Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations."

"All water wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells)."

"The installation of an access port, described in Ground Water Bulletin #1, shall be required prior to issuance of a final certificate of water right. In addition, an airline and pressure gauge shall be installed and maintained in operating condition. The pressure gauge shall be equipped with a standard tire valve and placed in an accessible location. The airline shall extend from land surface to the top of the pump bowls and the total airline length shall be reported to the Department of Ecology upon completion of the pump system."

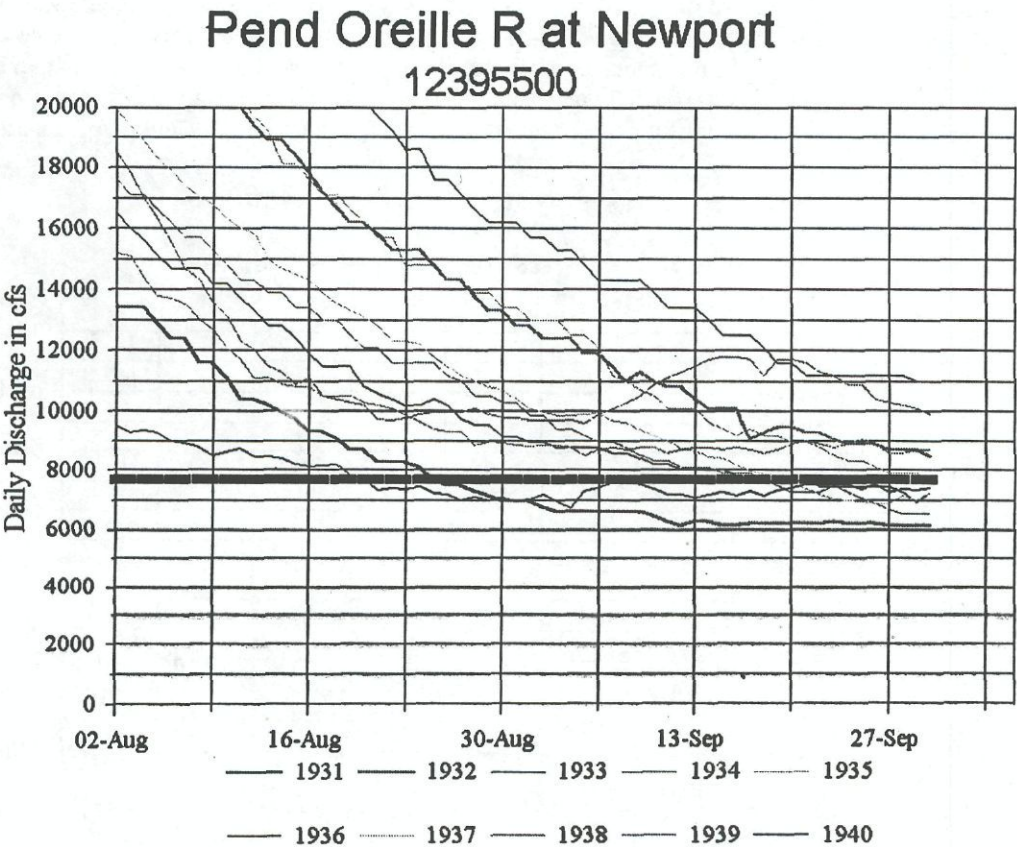
"A well log of the completed well shall be submitted by the driller to the Department of Ecology within thirty (30) days of completion of this well. This well log shall be complete and all information concerning the static water level in the completed well in addition to any pump test data shall be submitted as it is obtained."

"This authorization to use public waters of the State is classified as a Public Water Entity Permit in accordance with Chapter 90.66 RCW (Initiative Measure No. 59)."

"Use of water under this authorization shall be contingent upon the water right holder's utilization of up to date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities."

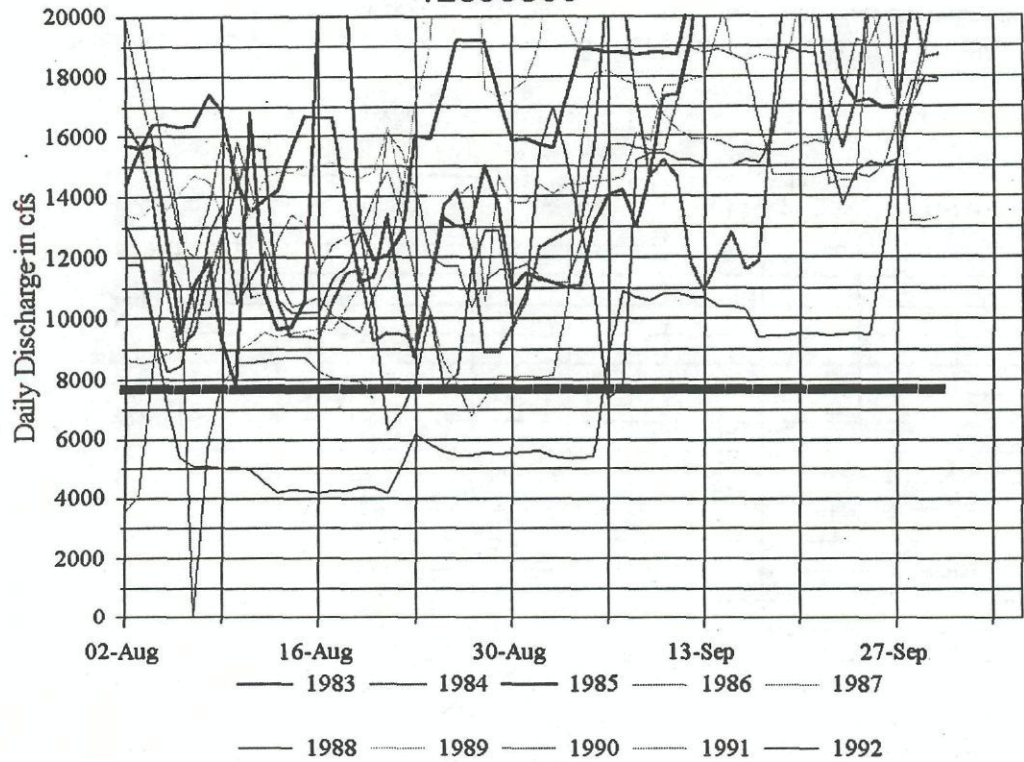
"The Washington State Department of Fish and Wildlife (WDFW), has recommended that water rights from the Pend Oreille River be conditioned with instream flows of 7,700 cubic feet per second (cfs) on a year-round basis (as measured at the gage near Newport, Washington)."

The following hydrographs for the U.S.G.S. Gage on the Pend Oreille River at Newport, Idaho (12395500) demonstrate important hydrologic characteristics of the Pend Oreille River. Before the construction of the Albeni Falls Dam, the river exhibited normal, riverine flow conditions. The first hydrograph shows the typical late summer flow regime for 10 different water years in the 1930s and early 1940s. The solid line at 7700 cfs represents WDFW's recommended instream flow value as it would have applied to the river in the 1930s. When summer flows reached their baseflow, they tended to stay down at that level for the remainder of the water year.



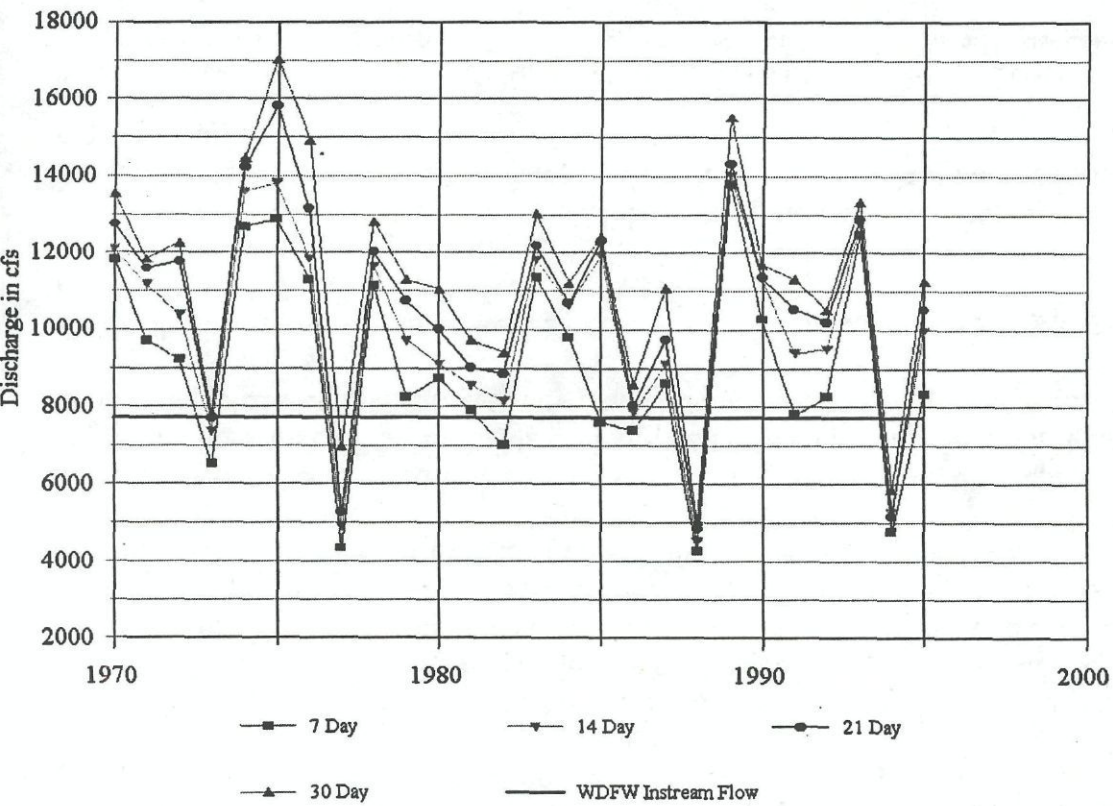
With the construction of the Albeni Falls dam in 1952, the character of the daily discharge changed dramatically from a riverine regime to an impounded, highly regulated, flow regime. The next hydrograph depicts the late summer, daily average discharge for a ten-year period in the 1980s through the early 1990s. The highly variable discharge data reflects the flows that result from the power generation demands that are placed on the river.

Pend Oreille R at Newport
12395500



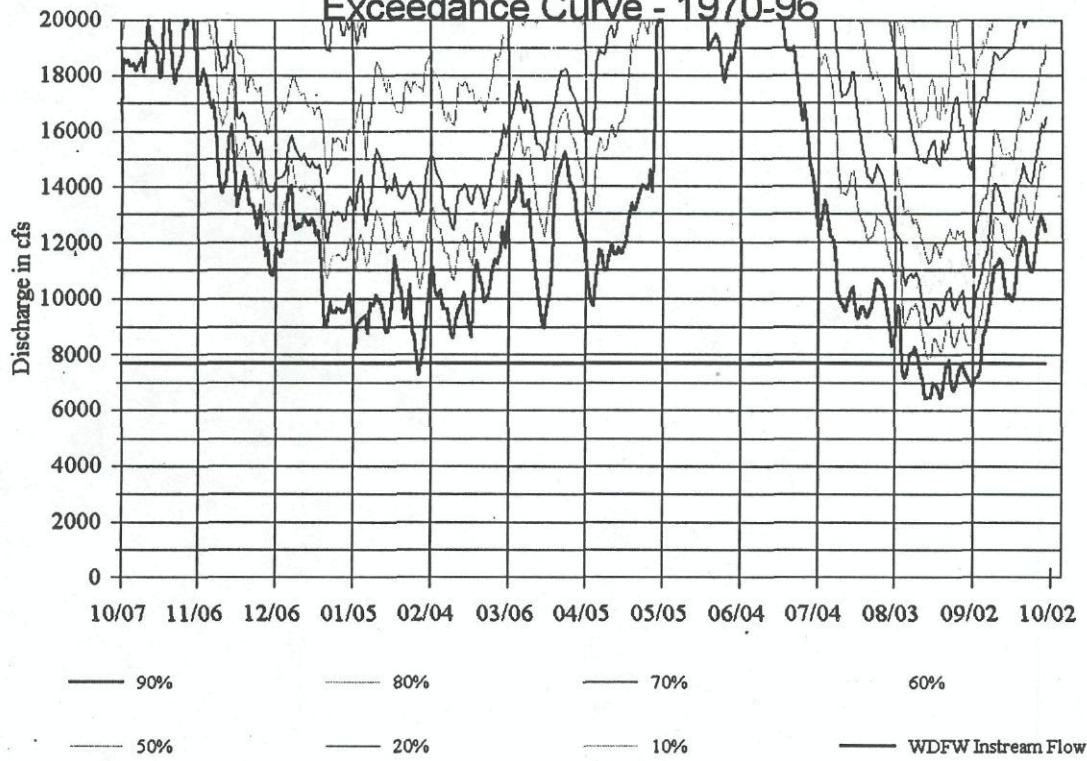
Trying to devise a methodology to implement the WDFW recommended instream flow given the current flow regime of the river requires some careful consideration of the day-to-day variability of the discharge. Given its fluctuations, just simply regulating junior water rights every time the daily average flow drops below 7700 cfs (the recommended instream flow) would be inappropriate and unworkable. Examining the data in the hydrograph indicates that the day-to-day variability is on the order of 5,000 cfs. Looking at a suite of duration frequency low flow analyses (7-day, 14-day, 21-day, and 30-day) for the 1970 through 1996 period allows us to get a better handle on when the flow in the river is truly flowing at a rate that is below the recommended instream flow. By looking at the actual daily flow data, we can see that three water years during the period 1970 – 96 exhibited sustained, low flow periods that were lower than the 7700 cfs threshold (1977, 1988, and 1994). The data from the duration frequency analysis shows that using a 14-day low flow criteria gives us the best opportunity to identify the low flow events.

Pend Oreille River Low Flow Analysis



Calculating the exceedance probability for the daily average flows for the period 1970 – 96 allows us to see how frequently (on a yearly basis) and for what duration (how many weeks during each year) the flows on the Pend Oreille River can be expected to be below the recommended instream flow. The following graph demonstrates that on average, we can expect the summer low flows in the Pend Oreille River will be above the instream flow 8 to 9 times out of ten years. During that one in ten year event when the flow in the river is below the recommended flow, the low flow will last for approximately one month (typically August).

Pend Oreille R at Newport
Exceedance Curve - 1970-96



Therefore, this permit shall be conditioned that all diversion shall cease when the 14-day average flow in the Pend Oreille River falls below 7700 cfs (as measured at the Pend Oreille River at Newport gage) as recommended by WDFW."

Signed and dated in Spokane, Washington
this 4th day of August, 2000.

Cindy A. Christian
for JAMES M. LYERLA
Water Resource Program
Eastern Regional Office
Department of Ecology

Add Public Water
Entity Provision

JML:mjw



FILE COPY

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N. Monroe, Suite 202 • Spokane, Washington 99205-1295 • (509) 456-2926

August 4, 2000

Dr. Shirl Nadeau
Newport School District #56-415
PO Box 70
Newport, WA 99156-0070

Dear Dr. Nadeau:

Re: Ground Water Application No. G3-30197

Enclosed please find a copy of the Department of Ecology's Report of Examination. This report constitutes our determination and order regarding the above referenced application.

Your application has been approved and a permit will be issued in accordance with the enclosed Report of Examination upon payment of the statutory fee of \$11.20. Please remit your payment by check to the Department of Ecology within thirty (30) days from receipt of this letter.

Issuance of this Report of Examination is an appealable decision under Chapter 43.21B RCW. If you would like to appeal this order and determination, you must file your appeal with the Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903 within thirty (30) days of the date of mailing of this letter and the enclosed Report of Examination. A copy of your appeal must also be sent to the Department of Ecology, Water Resources Program, P.O. Box 47600, Olympia, WA 98504-7600 within thirty (30) days of the date of mailing of this letter and the enclosed Report of Examination.

Sincerely,

George B. Schlender
Section Manager
Water Resources Program

GBS:mjw
Enclosures